

FILED

6/8/2016

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

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MAR 21 2016

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

Jonathan Ashford

Plaintiff(s),

vs.

Officer James, star
No. 7615 Unit 312

Defendant(s).

1:16-cv-3514

Judge John J. Tharp, Jr.

Magistrate Judge Maria Valdez

COMPLAINT FOR VIOLATION OF CONSTITUTIONAL RIGHTS

This form complaint is designed to help you, as a pro se plaintiff, state your case in a clear manner. Please read the directions and the numbered paragraphs carefully. Some paragraphs may not apply to you. You may cross out paragraphs that do not apply to you. All references to "plaintiff" and "defendant" are stated in the singular but will apply to more than one plaintiff or defendant if that is the nature of the case.

1. This is a claim for violation of plaintiff's civil rights as protected by the Constitution and laws of the United States under 42 U.S.C. §§ 1983, 1985, and 1986.
2. The court has jurisdiction under 28 U.S.C. §§ 1343 and 1367.
3. Plaintiff's full name is Jonathan Ashford.

If there are additional plaintiffs, fill in the above information as to the first-named plaintiff and complete the information for each additional plaintiff on an extra sheet.

4. Defendant, James, star No. 7615 unit 312, is
(name, badge number if known)
- ☒ an officer or official employed by Chicago Police Department
(department or agency of government)
At the 7th District police station or
- ☐ an individual not employed by a governmental entity.

If there are additional defendants, fill in the above information as to the first-named defendant and complete the information for each additional defendant on an extra sheet.

5. The municipality, township or county under whose authority defendant officer or official acted is James, star No. 7615 unit 312. As to plaintiff's federal constitutional claims, the municipality, township or county is a defendant only if custom or policy allegations are made at paragraph 7 below.
6. On or about april 11, 2014, at approximately 3:15 ☐ a.m. ☒ p.m.
(month, day, year)
 plaintiff was present in the municipality (or unincorporated area) of Chicago
ILLINOIS, in the County of Cook,
 State of Illinois, at 7001 S. Laflin Street in Chicago,
(identify location as precisely as possible)

when defendant violated plaintiff's civil rights as follows *(Place X in each box that applies)*:

- ☒ arrested or seized plaintiff without probable cause to believe that plaintiff had committed, was committing or was about to commit a crime;
- ☒ searched plaintiff or his property without a warrant and without reasonable cause;
- ☐ used excessive force upon plaintiff;
- ☒ failed to intervene to protect plaintiff from violation of plaintiff's civil rights by one or more other defendants;
- ☐ failed to provide plaintiff with needed medical care;
- ☒ conspired together to violate one or more of plaintiff's civil rights;
- ☐ Other:

7. Defendant officer or official acted pursuant to a custom or policy of defendant municipality, county or township, which custom or policy is the following: (*Leave blank if no custom or policy is alleged*): _____

8. Plaintiff was charged with one or more crimes, specifically:

*Possession of Controlled Substance
with the intent to Deliver (Heroin)*

9. (*Place an X in the box that applies. If none applies, you may describe the criminal proceedings under "Other"*) The criminal proceedings

☐ are still pending.

☒ were terminated in favor of plaintiff in a manner indicating plaintiff was innocent.¹

☐ Plaintiff was found guilty of one or more charges because defendant deprived me of a fair trial as follows _____

☐ Other: _____

¹Examples of termination in favor of the plaintiff in a manner indicating plaintiff was innocent may include a judgment of not guilty, reversal of a conviction on direct appeal, expungement of the conviction, a voluntary dismissal (SOL) by the prosecutor, or a *nolle prosequi* order.

10. Plaintiff further alleges as follows: **(Describe what happened that you believe supports your claims. To the extent possible, be specific as to your own actions and the actions of each defendant.)**

On April 11, 2014 around 3:15 pm at 7001 South Laflin Street here in Chicago, Illinois, I Jonathan Ashford and Fred Williams went to auto zone Located here a 73rd and Ashland. On our way back we were headed to 69th and Justine, so Fred Williams turn down 70th and Laflin and by the time we made it to the corner of 70th and Laflin the Chicago Police cut in front of us, blocking us from going anywhere, there was four Chicago Police Officers in a unmark vehicle, two of them came to my side of the

11. Defendant acted knowingly, intentionally, willfully and maliciously.

12. As a result of defendant's conduct, plaintiff was injured as follows:

emotion harm

Pain and Suffering

Loss of enjoyment of life and

for all Damages Compensate for all bodily harm

13. Plaintiff asks that the case be tried by a jury. ☒ Yes ☐ No

14. Plaintiff also claims violation of rights that may be protected by the laws of Illinois, such as false arrest, assault, battery, false imprisonment, malicious prosecution, conspiracy, and/or any other claim that may be supported by the allegations of this complaint.

WHEREFORE, plaintiff asks for the following relief:

- A. Damages to compensate for all bodily harm, emotional harm, pain and suffering, loss of income, loss of enjoyment of life, property damage and any other injuries inflicted by defendant;
- B. ☒ (Place X in box if you are seeking punitive damages.) Punitive damages against the individual defendant; and
- C. Such injunctive, declaratory, or other relief as may be appropriate, including attorney's fees and reasonable expenses as authorized by 42 U.S.C. § 1988.

Plaintiff's signature: Jonathan Ashford

Plaintiff's name (print clearly or type): Jonathan Ashford

Plaintiff's mailing address: 1920 W. 72st

City Chicago State Illinois ZIP 60636

Plaintiff's telephone number: (773) 639-4473 or (773) 780-5869

Plaintiff's email address (if you prefer to be contacted by email): _____

15. Plaintiff has previously filed a case in this district. ☒ Yes ☐ No

If yes, please list the cases below.

Deliberate indifference # 14-CV-5405

Any additional plaintiffs must sign the complaint and provide the same information as the first plaintiff. An additional signature page may be added.

- 10) Plaintiff further alleges as follows: (Describe what happened that you believe supports your claims. To the extent possible, be specific as to your own actions and the actions of each defendant.)

Vehicle and the other two officers went around to Fred Williams side of the Vehicle which is the Driver side, they then told us to step up out of the Vehicle. So we Exit the Vehicle and was place in handcuff and that's when the searching start, each Officer's took turns on searching Fred Williams, Jonathan Ashford and ~~the~~ the Vehicle. At this point and time the Officers never ask for I.D, Nor Did they ask Fred Williams for his Driving License or his insurance card, the License plate's and stickers was all good. The Officers never issue Fred Williams any ticket for a moving Violation and therefor it was No probable Cause of them stopping us, searching us and the Vehicle. All that because we don't have No gun's or drug's to give them, Shortly after that we were place in the unmark Vehicle and was transported to the 7th District Police Station. two of the Police Officer's Drove Fred Williams Vehicle to the Police Station, where they continue to search us and ask about gun's and drugs. next page →

- 10) when they saw that things were not going there way they gave fred williams back his property and told him where his vehicle at and that he can leave out this back door here. Fred williams then ask the officers what was they Locking Jonathan Ashford up for, and one of the officers Answer and said I think you better leave now if you want to leave or you can stay here with Mr. Ashford and find out what he's being charged with.

On April 29, 2014 I had a Preliminary hearing and was Bonded over, Officer James testified that it was him and three other Officer's doing that stop. Also at the Preliminary hearing the report Page (4) 13 and 14 states that Officer James Couldn't remember the fourth Officer name because he said that he was new and he Couldn't remember his name. Officer Kuykendall and Officer Lewis was the two name he could remember. On June 17, 2014 A Motion to quash Arrest and Suppress Evidence was filed and the Judge granted to hear this Motion. On or about July 16, 2014 I went back to Court to hear this Motion to quash Arrest and Suppress Evidence. after hearing this Motion the Judge granted this Motion in my favor because he said that this is a Constitutional issue and that

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10) The Chicago Police Officers James, Lewis, Kuykendall and the name Officer James couldn't remember Violated my Civil Rights. The state then put in for a appeal on the Decision the Judge made. On the next Court date the Judge Dismiss this case on the ground that the Chicago Police Officers Violated my Civil Rights under the United States Consitution Amendment. Far as my Understanding Fred Williams will not be filing a Claim, I put his name on this form because he was with me on this day and time and now I do not know where he's at.

The form ask was it any other additional plaintiffs and yes there is Fred Williams his Civil Rights was Also Voilated, So that's why I put him down on this form because Later on down the line he may do a Claim.

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THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT, 'S

4) Defendant Officer: _____
(name, badge number is know)

☒ an officer or official employed by Chicago Police Department at the 7th District Police Station or

☐ an individual not employed by governmental entity.

5) the municipality, township or county under whose authority defendant officer or official acted is Officer: _____ As to plaintiff's federal Constitutional Claims, the municipality, township or county is a defendant only if custom or policy allegations are made at paragraph 7 below.

6) on or about april 11, 2014, at approximately 3:15 Pm 4pm. plaintiff was present in the municipality (or unincorporated area) of Chicago Illinois, in the County of Cook, state of ILLINOIS, at 7001 S. Laflin Street in Chicago.
~~and~~ (identify location as precisely as possible)

4. Defendant, Kuykendall
(name, badge number if know)

☒ an officer or official employed by Chicago Police Department, At the 7th District Police Station or

☐ an individual not employed by a governmental entity.

5) The Municipality, township or county under whose authority defendant officer or official acted is ~~the~~ Officer Kuykendall As to plaintiff's federal Constitutional claims, the municipality, township or county is a defendant only if custom or policy allegations are made at paragraph 7 below.

6) on or about april 11, 2014, at approximately 3:15 ☐ am ☒ pm. plaintiff was present in the municipality (or unincorporated area) of Chicago ILLINOIS, in the County of Cook, State of ILLINOIS, at 7001 S. Laflin Street in Chicago.
(identify location as precisely as possible)

4.) Defendant, Lewis, is
(name, badge number if know)

☒ an officer or official employed by
Chicago Police Department, At the 7th
District Police Station or

☐ an individual not employed by a
governmental entity.

5) The Municipality, township or County under whose
authority defendant officer or official acted is
Officer Lewis. As to plaintiff's federal
Constitutional Claims, the municipality, township
or County is a defendant only if custom or
policy allegations are made at paragraph
7 below.

6) on or about April 11, 2014, at approximately
3:15 11am 12pm. plaintiff was present
in the municipality (or unincorporated area)
of Chicago Illinois, in the County of
Cook, State of Illinois, at 7001 S. Laflin
Street in Chicago.
(identify location as precisely as possible)